

EXHIBIT 17

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17 *Attorneys for Defendant*
18 OTTO TRUCKING LLC

19 **UNITED STATES DISTRICT COURT**
20 **NORTHERN DISTRICT OF CALIFORNIA**
21 **SAN FRANCISCO DIVISION**

22 WAYMO LLC,
23
24 Plaintiff,
25
26 v.
27
28 UBER TECHNOLOGIES, INC., *et al.*,
Defendants.

Case No.: 3:17-cv-00939-WHA

**DEFENDANT OTTO TRUCKING LLC'S
OBJECTIONS AND RESPONSES TO
PLAINTIFF WAYMO LLC'S SECOND
SET OF EXPEDITED
INTERROGATORIES**

Trial Date: October 10, 2017

PROPOUNDING PARTY: Plaintiff: WAYMO LLC
RESPONDING PARTY: Defendant: OTTO TRUCKING LLC
SET: Second Set of Expedited Interrogatories

1 Pursuant to Federal Rules of Civil Procedure 26 and 33, Defendant Otto Trucking LLC
2 (“Otto Trucking”) hereby provides objections and responses (“Objections” and “Responses”) to
3 Plaintiff Waymo LLC’s (“Waymo”) Second Set of Expedited Interrogatories (the
4 “Interrogatories”) served by Waymo on Otto Trucking on May 26, 2017.

5 **PRELIMINARY STATEMENT**

6 Otto Trucking states that it is responding to the Interrogatories to the best of its present
7 ability. While these Responses are based upon appropriate investigation by Otto Trucking and its
8 counsel, they reflect the current state of Otto Trucking’s knowledge respecting the matters about
9 which inquiry is made. Thus, the information contained herein remains subject to further review,
10 and, in making these Responses, Otto Trucking reserves the right to amend, supplement, and/or
11 otherwise change its Responses to these Interrogatories as further investigation and discovery may
12 make appropriate in accordance with Otto Trucking’s obligations under the Federal Rules of Civil
13 Procedure. Furthermore, Otto Trucking has prepared this Response based on its good faith
14 interpretation and understanding of each individual Interrogatory, but Otto Trucking reserves its
15 right to correct any errors or omissions.

16 Otto Trucking does not waive or intend to waive any objections that it may have regarding
17 the use of any information provided, and Otto Trucking expressly reserves the rights to: (a) object
18 to Waymo’s use of any information provided on the ground of inadmissibility; and (b) object on
19 any and all proper grounds, at any time, to any other discovery involving or relating to any
20 information produced. No incidental or implied admissions are intended by the Responses set
21 forth herein. These Responses are made solely for the purpose of this action. Nothing herein shall
22 be construed as an admission respecting the admissibility or the relevance of any facts, documents,
23 or information, as an admission that documents or information exist, or as an admission as to the
24 truth or accuracy of any characterization or assertion contained in any Interrogatory. Each
25 Response is subject to all objections as to competence, relevance, materiality, propriety, and
26 admissibility, and any and all other objections on grounds that would require the exclusion of any
27 statement herein if any of the Interrogatories were asked of, or statements contained herein were
28

made by, a witness present and testifying in court, all of which objections and grounds are reserved and may be interposed at the time of trial.

GENERAL OBJECTIONS

1. Otto Trucking objects to each and every Interrogatory to the extent it seeks to impose obligations and demands upon Otto Trucking beyond those required by Federal Rules of Civil Procedure 26 and 33, and the applicable Local Civil Rules of the United States District Court for the Northern District of California (“Local Rules”).

2. Otto Trucking objects to each and every Interrogatory to the extent it seeks information protected from discovery by the attorney-client privilege, the work product doctrine, or any other privileges or reasons for non-production. Waymo’s discovery will not be construed to seek such information. Inadvertent disclosure of privileged information is not intended to be, and may not be construed as, a waiver of any applicable privilege or similar basis for non-disclosure.

3. Otto Trucking objects to these Interrogatories to the extent they seek information concerning matters or issues beyond the scope of the allegations in the Amended Complaint on the grounds that such discovery is overbroad, unduly burdensome, and neither relevant to any issue in this case nor reasonably calculated to lead to the discovery of admissible evidence.

4. Otto Trucking objects to each Interrogatory to the extent that it is unlimited in time and scope, especially in light of the expedited nature of the propounded Interrogatories.

5. Otto Trucking reserves all rights under the Rules of Civil Procedure to amend or supplement its responses as additional information is discovered.

SPECIFIC OBJECTIONS AND RESPONSES TO INTERROGATORIES

INTERROGATORY NO. 10:

Describe how the placement of FAC lenses on laser diodes is performed.

RESPONSE TO INTERROGATORY NO. 10:

Otto Trucking incorporates each of its general objections by reference. Otto Trucking further objects to this Interrogatory as not “reasonably narrow” or relevant to its “trade secret

1 misappropriation claims *only*,” as required by the Court’s Order Granting in Part and Denying in
2 Part Plaintiff’s Motion for Provisional Relief. (Dkt. No. 464).

3 Subject to and without waiving the foregoing objections, Otto Trucking responds as
4 follows: Otto Trucking does not have information responsive to Interrogatory No. 10.

5 **INTERROGATORY NO. 11:**

6 Describe the design of any assembly tools for FAC lenses.

7 **RESPONSE TO INTERROGATORY NO. 11:**

8 Otto Trucking incorporates each of its general objections by reference. Otto Trucking
9 further objects to this Interrogatory as not “reasonably narrow” or relevant to its “trade secret
10 misappropriation claims *only*,” as required by the Court’s Order Granting in Part and Denying in
11 Part Plaintiff’s Motion for Provisional Relief. (Dkt. No. 464).

12 Subject to and without waiving the foregoing objections, Otto Trucking responds as
13 follows: Otto Trucking does not have information responsive to Interrogatory No. 11.

14 **INTERROGATORY NO. 12:**

15 Identify any person or entity that has ever had an ownership interest in OTTO, 280
16 Systems, Tyto LiDAR, or ODIN Wave by providing the person or entity's name, the company, the
17 dates of said ownership interest, and the amount of that person or entity's ownership interest.

18 **RESPONSE TO INTERROGATORY NO. 12:**

19 Otto Trucking incorporates each of its general objections by reference. Otto Trucking
20 further objects to this Interrogatory as not “reasonably narrow” or relevant to its “trade secret
21 misappropriation claims *only*,” as required by the Court’s Order Granting in Part and Denying in
22 Part Plaintiff’s Motion for Provisional Relief. (Dkt. No. 464). Otto Trucking objects to this
23 Interrogatory as overly broad and unduly burdensome to the extent it seeks “any person or entity
24 that has ever had an ownership interest” in the entities named in Interrogatory No. 12. Otto
25 Trucking further objects to this Interrogatory as vague and ambiguous, as the term “OTTO” is
26 nowhere defined and is therefore vague as to which entity “OTTO” refers. Otto Trucking will
27 respond as to “OTTO TRUCKING.”
28

1 Subject to and without waiving the foregoing objection, Otto Trucking has identified the
 2 following persons or entities as having ownership interests in Otto Trucking on April 26, 2017:
 3 Information responsive to this Interrogatory can be found at the document produced at
 4 OTTOTRUCKING00000004 pursuant to Fed. R. Civ. P. 33(d).

5 **INTERROGATORY NO. 13:**

6 Provide the number of times that LEVANDOWSKI has accessed any of DEFENDANTS'
 7 servers or networks (including but not limited to CloudForge, SolidWorks, Google Drive,
 8 Nas1.int.uberatc.com, vaultlm.in.uberatc.com, vaulttdb.int.uberatc.com, sjc1-atg-archive
 9 prod01.copr.uber.com, code.int.uberatc.com/diffusion/, GIT repository, and any Wi-Fi network
 10 provided by Defendants at any of their offices) from a personal device.

11 **RESPONSE TO INTERROGATORY NO. 13:**

12 Otto Trucking incorporates each of its general objections by reference. Otto Trucking
 13 further objects to this Interrogatory as not "reasonably narrow" or relevant to its "trade secret
 14 misappropriation claims *only*," as required by the Court's Order Granting in Part and Denying in
 15 Part Plaintiff's Motion for Provisional Relief. (Dkt. No. 464). Otto Trucking objects to this
 16 Interrogatory as overly broad and unduly burdensome, in particular in its use of the term "any" of
 17 Otto Trucking's servers or networks. Otto Trucking further objects to this Interrogatory as vague
 18 and ambiguous, especially as to the term "accessed."

19 Subject to and without waiving the foregoing objections, Otto Trucking responds as
 20 follows: Otto Trucking does not have its own servers or networks, and so does not have
 21 information responsive to Interrogatory No. 13.

22 **INTERROGATORY NO. 14:**

23 Identify all communications prior to August 18, 2016 between LEVANDOWSKI and
 24 UBER REGARDING the acquisition of OTTO.

25 **RESPONSE TO INTERROGATORY NO. 14:**

26 Otto Trucking incorporates each of its general objections by reference. Otto Trucking
 27 further objects to this Request to the extent that it seeks communications protected by the joint
 28 defense or common interest privilege. Otto Trucking further objects to this Request to the extent

1 that it seeks communications protected by the attorney client privilege, the attorney work product
 2 doctrine, and/or any other applicable privilege or immunity. Otto Trucking further objects to this
 3 Interrogatory as not “reasonably narrow” or relevant to its “trade secret misappropriation claims
 4 *only*,” as required by the Court’s Order Granting in Part and Denying in Part Plaintiff’s Motion for
 5 Provisional Relief. (Dkt. No. 464). Otto Trucking objects to this Interrogatory as overly broad
 6 and unduly burdensome to the extent it seeks “all communications.” Otto Trucking further objects
 7 to this Interrogatory as vague and ambiguous, as the term “OTTO” is nowhere defined and is
 8 therefore vague as to which entity “OTTO” refers. Otto Trucking will respond as to “OTTO
 9 TRUCKING.”

10 Subject to and without waiving the foregoing objections, Otto Trucking responds as
 11 follows: as it pertains to Otto Trucking, information responsive to this Interrogatory can be found
 12 at the document produced at UBER00016757 pursuant to Fed. R. Civ. P. 33(d). Further,
 13 information responsive to this Request is subject to the joint defense privilege, common interest
 14 privilege, attorney-client privilege, and the attorney work-product doctrine, and have been logged
 15 in privilege logs served on April 10, 2017 in Defendants’ Privilege Log Associated with March
 16 31, 2017 Production of Documents, on April 13, 2017 in Defendants’ Supplemental Privilege Log
 17 and Second Supplemental Privilege Log Associated with March 31, 2017 Production of
 18 Documents, on April 27, 2017 in Defendants’ Amended Second Supplemental Privilege Log
 19 Associated with March 31, 2017 Production of Documents, on April 28, 2017 in Defendants’
 20 Privilege Log Associated with March 31, 2017 Production of Documents, and on May 1, 2017 in
 21 Defendants’ Privilege Log Associated with March 31, 2017 Production of Documents.

22 **INTERROGATORY NO. 15:**

23 Identify all communications prior to August 18, 2016 between LEVANDOWSKI and
 24 UBER REGARDING any consulting work performed by LEVANDOWSKI for UBER while
 25 LEVANDOSKI [*sic*] was still employed by GOOGLE.

26 **RESPONSE TO INTERROGATORY NO. 15:**

27 Otto Trucking incorporates each of its general objections by reference. Otto Trucking
 28 further objects to this Interrogatory as not “reasonably narrow” or relevant to its “trade secret

misappropriation claims *only*,” as required by the Court’s Order Granting in Part and Denying in Part Plaintiff’s Motion for Provisional Relief. (Dkt. No. 464). Otto Trucking objects to this Interrogatory as overly broad and unduly burdensome to the extent it seeks “all communications.” Otto Trucking further objects to this Interrogatory to the extent that it seeks communications protected by the attorney client privilege, the attorney work product doctrine, joint defense or common interest privilege, and/or any other applicable privilege or immunity.

Subject to and without waiving the foregoing objections, Otto Trucking responds as follows: Otto Trucking does not have information responsive to Interrogatory No. 15.

INTERROGATORY NO. 16:

Identify all communications prior to August 18, 2016 between LEVANDOWSKI and UBER REGARDING LiDAR.

RESPONSE TO INTERROGATORY NO. 16:

Otto Trucking incorporates each of its general objections by reference. Otto Trucking further objects to this Interrogatory as not “reasonably narrow” or relevant to its “trade secret misappropriation claims *only*,” as required by the Court’s Order Granting in Part and Denying in Part Plaintiff’s Motion for Provisional Relief. (Dkt. No. 464). Otto Trucking objects to this Interrogatory as overly broad and unduly burdensome to the extent it seeks “all communications.”

Subject to and without waiving the foregoing objections, Otto Trucking responds as follows: Otto Trucking does not have information responsive to Interrogatory No. 16.

INTERROGATORY NO. 17:

Identify all communications prior to August 18, 2016 between LEVANDOWSKI and UBER REGARDING any GOOGLE DOCUMENTS or files in LEVANDOWSKI’S personal possession, or his downloading or taking any GOOGLE DOCUMENTS while employed at GOOGLE.

RESPONSE TO INTERROGATORY NO. 17:

Otto Trucking incorporates each of its general objections by reference. Otto Trucking further objects to this Request to the extent that it seeks communications protected by the joint defense or common interest privilege. Otto Trucking further objects to this Request to the extent

1 that it seeks communications protected by the attorney client privilege, the attorney work product
 2 doctrine, and/or any other applicable privilege or immunity. Otto Trucking further objects to this
 3 Interrogatory as not “reasonably narrow” or relevant to its “trade secret misappropriation claims
 4 *only*,” as required by the Court’s Order Granting in Part and Denying in Part Plaintiff’s Motion for
 5 Provisional Relief. (Dkt. No. 464). Otto Trucking objects to this Interrogatory as overly broad
 6 and unduly burdensome to the extent it seeks “all communications.”

7 Subject to and without waiving the foregoing objections, Otto Trucking responds as
 8 follows: as it pertains to Otto Trucking, information responsive to this Request is subject to the
 9 joint defense privilege, common interest privilege, attorney-client privilege, and the attorney
 10 work-product doctrine, and have been logged in privilege logs served on April 10, 2017 in
 11 Defendants’ Privilege Log Associated with March 31, 2017 Production of Documents, on April
 12 13, 2017 in Defendants’ Supplemental Privilege Log and Second Supplemental Privilege Log
 13 Associated with March 31, 2017 Production of Documents, on April 27, 2017 in Defendants’
 14 Amended Second Supplemental Privilege Log Associated with March 31, 2017 Production of
 15 Documents, on April 28, 2017 in Defendants’ Privilege Log Associated with March 31, 2017
 16 Production of Documents, and on May 1, 2017 in Defendants’ Privilege Log Associated with
 17 March 31, 2017 Production of Documents.

18 **INTERROGATORY NO. 18:**

19 Identify all persons who at any time possessed the DUE DILIGENCE REPORT or its
 20 exhibits, whether each of those persons still has the DUE DILIGENCE REPORT or any of its
 21 exhibits, and if not, what happened to each of those copies of the DUE DILIGENCE REPORT or
 22 any of its exhibits.

23 **RESPONSE TO INTERROGATORY NO. 18:**

24 Otto Trucking incorporates each of its general objections by reference. Otto Trucking
 25 further objects to this Interrogatory as not “reasonably narrow” or relevant to its “trade secret
 26 misappropriation claims *only*,” as required by the Court’s Order Granting in Part and Denying in
 27 Part Plaintiff’s Motion for Provisional Relief. (Dkt. No. 464). Otto Trucking further objects to
 28 this Interrogatory to the extent that it seeks communications protected by the attorney client

1 privilege, the attorney work product doctrine, joint defense or common interest privilege, and/or
2 any other applicable privilege or immunity.

3 Subject to and without waiving the foregoing objections, Otto Trucking responds as
4 follows: Otto Trucking's counsel at O'Melveny & Myers LLP had the DUE DILIGENCE
5 REPORT in their possession, custody, and control.

6 **INTERROGATORY NO. 19:**

7 Describe all attempts by YOU to obtain information or DOCUMENTS from O'Melveny &
8 Meyers responsive to the Court's March 16 Order and any WAYMO document requests served
9 prior to the Preliminary Injunction hearing.

10 **RESPONSE TO INTERROGATORY NO. 19:**

11 Otto Trucking incorporates each of its general objections by reference. Otto Trucking
12 further objects to this Interrogatory as not "reasonably narrow" or relevant to its "trade secret
13 misappropriation claims *only*," as required by the Court's Order Granting in Part and Denying in
14 Part Plaintiff's Motion for Provisional Relief. (Dkt. No. 464). Otto Trucking further objects to
15 this Interrogatory to the extent that it seeks communications protected by the attorney client
16 privilege, the attorney work product doctrine, joint defense or common interest privilege, and/or
17 any other applicable privilege or immunity.

18 Subject to and without waiving the foregoing objections, Otto Trucking responds as
19 follows: Otto Trucking does not have non-privileged information responsive to Interrogatory No.
20 19.

21 **INTERROGATORY NO. 20:**

22 Identify all communications between UBER and John Gardner, or any other attorney
23 acting on behalf of LEVANDOWSKI prior to August 18, 2016.

24 **RESPONSE TO INTERROGATORY NO. 20:**

25 Otto Trucking incorporates each of its general objections by reference. Otto Trucking
26 further objects to this Request to the extent that it seeks communications protected by the joint
27 defense or common interest privilege. Otto Trucking further objects to this Request to the extent
28 that it seeks communications protected by the attorney client privilege, the attorney work product

1 doctrine, and/or any other applicable privilege or immunity. Otto Trucking further objects to this
2 Interrogatory as not “reasonably narrow” or relevant to its “trade secret misappropriation claims
3 *only*,” as required by the Court’s Order Granting in Part and Denying in Part Plaintiff’s Motion for
4 Provisional Relief. (Dkt. No. 464). Otto Trucking objects to this Interrogatory as overly broad
5 and unduly burdensome to the extent it seeks “all communications.”

6 Subject to and without waiving the foregoing objections, Otto Trucking responds as
7 follows: Information responsive to this Request is subject to the joint defense privilege, common
8 interest privilege, attorney-client privilege, and the attorney work-product doctrine, and have been
9 logged in privilege logs served on April 10, 2017 in Defendants’ Privilege Log Associated with
10 March 31, 2017 Production of Documents, on April 13, 2017 in Defendants’ Supplemental
11 Privilege Log and Second Supplemental Privilege Log Associated with March 31, 2017
12 Production of Documents, on April 27, 2017 in Defendants’ Amended Privilege Log, Amended
13 Supplemental Privilege Log, and Amended Second Supplemental Privilege Log Associated with
14 March 31, 2017 Production of Documents, on April 28, 2017 in Defendants’ Supplemental
15 Privilege Log and Third Supplemental Privilege Log Associated with March 31, 2017 Production
16 of Documents, on May 1, 2017 in Defendants’ Privilege Log Associated with March 31, 2017
17 Production of Documents, and on May 22, 2017 in Uber Technologies, Inc. and Ottomotto, Inc.’s
18 Privilege Log 5.22.2017 (O’Melveny Myers LLP).

1 Dated: June 9, 2017

Respectfully submitted,

2 By: /s/ Neel Chatterjee

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13
14 *Attorneys for Defendant*
OTTO TRUCKING LLC

CERTIFICATE OF SERVICE

I, Rachel M. Walsh, declare as follows:

1. I am of counsel at the law firm of Goodwin Procter, LLP, whose address is Three Embarcadero Center, San Francisco, CA 94111. I am over the age of eighteen and not a party to this action.

2. On June 9, 2017, I caused the following document to be served on all counsel of record via electronic mail: Defendant Otto Trucking LLC's Objections and Responses to Plaintiff Waymo LLC's Second Set of Expedited Interrogatories Pursuant to Paragraph Six of the May 11, 2017 Preliminary Injunction Order.

3. This document was transmitted via electronic mail to the addresses below, pursuant to the agreement between the parties, and the electronic mail transmission was reported as complete and without error.

Recipient	Email Address:
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I declare under penalty of perjury that the foregoing is true and correct. Executed this 9th day of June, 2017, in San Francisco, CA.

/s/ Rachel M. Walsh

Rachel M. Walsh
Attorneys for OTTO TRUCKING LLC

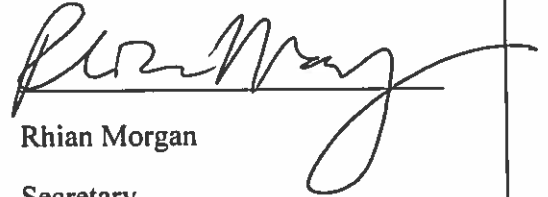
VERIFICATION

I, Rhian Morgan, declare that I have read a copy of Otto Trucking LLC's
OBJECTIONS AND RESPONSES TO PLAINTIFF WAYMO, LLC'S SECOND SET OF
EXPEDITED INTERROGATORIES and know its contents.

I am Secretary at Otto Trucking LLC, a party to this action, and am authorized to
make this verification for and on its behalf. I am informed and believe and on that basis state that
the responses provided therein are true and correct.

I certify under penalty of perjury that the foregoing is true and correct.

Executed this 9th day of June, 2017 in Pittsburgh, Pennsylvania.



Rhian Morgan

Secretary

Otto Trucking LLC